

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation Into
Implementation of Assembly Bill 970 Regarding
the Identification of Electric Transmission and
Distribution Constraints, Actions to Resolve
Those Constraints, and Related Matters Affecting
the Reliability of Electric Supply.

Investigation 00-11-001
(Filed November 2, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING FILING REQUIREMENTS
FOR SAN MATEO-MARTIN CONVERSION PROJECT**

On July 23, 2002, the City and County of San Francisco (CCSF) filed to motion for an order to compel Pacific Gas and Electric Company (PG&E) to file an application for a Permit to Construct (PTC) the San Mateo-Martin 115 kW Conversion Project (the Project). CCSF contends that PG&E has “unilaterally and inexplicably” moved back the schedule of the Project, thereby “jeopardizing electric reliability in San Francisco.”¹ PG&E responded to CCSF’s motion on August 7, 2002.

PG&E believes that CCSF’s motion is premature. It is PG&E’s position that the Project qualifies for an PTC exemption for reconductoring projects set forth at General Order (GO) 131-D, Section III(B)(1)(e), and that no “unusual circumstances” exist that could result in a significant effect on the environment.

¹ CCSF’s Motion, p. 2.

PG&E states that it intends to proceed with a Notice of Construction advice letter filing, rather than a PTC. However, PG&E also notes that Commission staff has given PG&E feedback that a PTC may be required. PG&E concludes its response to CCSF's allegations by stating that any schedule slip in the probable completion date for the Project "reflects a need to plan for the possibility that the PTC process could delay construction."²

I have conferred with Commission staff on this matter, and learned that staff has met several times with PG&E over the last year and requested that PG&E submit sufficient environmental information in order to determine whether a PTC is required for this Project. Earlier this year, PG&E indicated that it would submit an environmental impact exemption letter from the Department of Fish and Game—but none has been forthcoming. It is my understanding that PG&E is now in the process of completing a Biological Assessment for submittal to the U.S. Fish and Wildlife Service, and also preparing a Proponent's Environmental Assessment (PEA) for the Project, notwithstanding its position that no PTC (and therefore no PEA) is required.

However, to date, Commission staff has not received sufficient environmental information from PG&E with which to make a determination regarding a GO 131-D Section III(B)(1)(e) exemption for this Project, despite its requests for such information. While I agree with PG&E that CCSF's motion is premature with respect to the need for a PTC—the motion reflects a legitimate concern that PG&E has not been forthcoming with the documentation and filings that will move the Project forward.

² PG&E's Response, p. 4.

Accordingly, I direct PG&E to submit the Biological Assessment and other environmental documentation (e.g., draft or final PEA information) to Commission staff no later than November 15, 2002. The following week, Commission staff should meet with PG&E to discuss this information and to provide PG&E with its assessment regarding the need for a PTC. Should staff determine that a PTC is needed, PG&E shall file its application for a PTC, together with a final PEA, no later than November 27, 2002. PG&E shall file its application at the Commission's Docket Office and serve a notice of its availability to the service list in this proceeding. Electronic and hard copies of the application shall also be served on the Commission staff listed above.

IT IS RULED that:

1. The City and County of San Francisco's Motion is denied.
2. Pacific Gas and Electric Company (PG&E) shall submit electronic and hard copies of the Biological Assessment and other available environmental documentation for the San Mateo-Martin Conversion Project no later than November 15, 2002 to Pam Nataloni and Nicholas Sher in the Commission's Legal Division and Ken Lewis and Nico Procos in the Commission's Energy Division.
3. Should Commission staff determine that a Permit to Construct (PTC) is required, PG&E shall file its application for a PTC, together with a final Proponent's Environmental Assessment, no later than November 30, 2002. PG&E shall file its application at the Commission's Docket Office and serve a

notice of its availability to the service list in this proceeding. Electronic and hard copies of the application shall also be served on the Commission staff listed above.

Dated October 11, 2002, at San Francisco, California.

/s/ ANGELA K MINKIN for

Meg Gottstein

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Filing Requirements for San Mateo-Martin Conversion Project on all parties of record in this proceeding or their attorneys of record.

Dated October 11, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

